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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,527	07/25/2003	Raymond W. Howard	Lucky Line.1320	2915

7590 06/13/2005
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101 West Broadway
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San Diego, CA 92101

EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,527

Applicant(s)

HOWARD, RAYMOND W.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,9-11 and 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8,12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/11/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's election of figures 1-5 in the reply filed on April 12, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 4, 5, 9-11 and 13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 12, 2005. Applicant should also note that claim 9 is also regarded as not being drawn to the elected embodiment.

The disclosure is objected to because of the following informalities: Throughout the Abstract, the term "means" should not be used. On page 5, line 19, "as" should be replaced with --a--. On page 7, line 9, "Figures 7a and 7b" is incorrect. On page 10, line 16, "slot 17" is inconsistent with page 10, line 9 (docking port 17). On page 13, line 7, "he" should be replaced with --the--.

Appropriate correction is required.

The drawings are objected to because reference numeral 19 (page 7, line 11) and reference numeral 99 (page 10, line 18) are not shown. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

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should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1-3 are objected to because of the following informalities: On page 15, line 3, it is not clear what constitutes the "first means" in the elected figs. 1-5 embodiment. On page 15, line 12, it is not clear in what sense the button 77 in fig. 14 is "generally planar". See page 15, line 16 also. On page 15, line 15, there is no antecedent basis for "said docking buttons" (plural). In claim 8, it is not clear what constitutes the "side loop". Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-8 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Lautin (937).

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Lautin teaches an elongated, generally flat case 12, a docking port 16, 24, first means 27, 60 for attaching the case to a carrying element 52, a tag 14, second means 34 for attaching the tag to keys 40, a docking button 32 for snap fitting in the port, the docking button and docking port being mutually planar, a single docking port 16, 24 in figure 1 and plural buttons and docking ports in fig. 4, means 27, 60 for attaching more than one case together in end-to-end fashion, a side loop (34 for cases 12b, 12c in fig. 4), and a spring arm (the topmost portion of button 32 in fig. 10).

Claims 1, 2, 6-8 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Isenmann (934).

Isenmann teaches a flat, elongated case 10, first means (the top chain in fig. 1) which enables the case to be attached to a carrying element, a docking port 42 within the case, a tag 12 having second means (the bottom chain in fig. 1) for attaching to keys, a docking button 40, 50 for lockable engagement in the docking port of the case, a spring arm 36, the button snap-fitting within the docking port, a side loop 30 allows for holding other keys, and the top chain also allows for attaching more than one case together.

Claims 1-3, 6-8 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Klose (315).

Klose teaches a case 1 having a flat elongated shape, a docking port 2, first means (a second ring 6 in fig. 7) which allows the case to be attached to a carrying element, a tag 3 with a snap fitting docking button 8 for being received in the port 2, a second means 6 for holding keys, a single docking port and button in fig. 1 and plural ports and buttons in fig. 7, means (second ring 6 in fig. 7) for attaching more than one case together in end-

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to-end fashion, a side loop (one of the rings 6 in fig. 7), and a spring arm defined at numeral 30 in fig. 3 between the button 8 and the remainder of the tag 3.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isenmann in view of Ros.

Ros teaches a circular winding wire 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a circular winding wire for a key-holding chain of Isenmann, in view of the teaching of Ros, the motivation being to optimize the strength of the key holding element.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

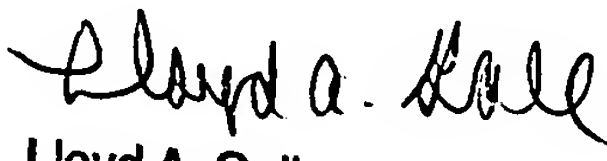
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
June 8, 2005


Lloyd A. Gall
Primary Examiner